

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600

**Case No. A-5682**

**PETITION OF CHARLES D. HANSON**  
(Hearing held November 28, 2001)  
(Worksession Decision, January 9, 2002)

**OPINION OF THE BOARD**  
(Effective date of Opinion, March 8, 2002)

This proceeding is a petition pursuant to Section 59-A-4.11(b) of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1994, as amended) for variances from Section 59-C-1.323(a) and 59-B-3.1. The petitioner proposes to construct: a one-story addition that requires a six (6) foot variance as it is within thirty-three (33) feet of the established front building line and a covered porch that requires a six (6) foot variance as it is within thirty (30) feet of the established front building line. The established front building line required for the one-story addition is thirty-nine (39) feet and the established front building line required for the covered porch is thirty-six (36) feet.

Robert Wilkoff, the petitioners' architect, appeared with Heide and Charles Hanson, at the public hearing.

The subject property is Lot 19, Block 13, Walter P. Johnson Tract, Alta Vista Subdivision, located at 5536 Johnson Avenue, Bethesda, Maryland, in the R-60 Zone (Tax Account No. 0056897).

Decision of the Board: Requested variances **denied**.

**EVIDENCE PRESENTED TO THE BOARD**

1. The petitioners propose to construct a 12 x 8.6 foot portico and covered porch.
2. The petitioners testified that they have resided in the house for 11 years and that the proposed construction would provide a small entry-way into the residence. The petitioners testified that they have spoken with their neighbors and that their neighbors support the variance request.
3. Mr. Wilkoff testified that the petitioners' lot is 5 feet narrower than the typical R-60 zoned lot. Mr. Wilkoff testified that the interior of the residence is three rooms wide and that the entrance to the house opens directly into the living space.
4. Mr. Wilkoff testified that the proposed construction would increase and improve the internal circulation of the house and that the proposed construction would be similar to other improvements made in the neighborhood, as shown on Exhibit No. 11.

## **FINDINGS OF THE BOARD**

Based upon the petitioners' binding testimony and the evidence of record, the Board finds that the variances must be denied. The requested variances do not comply with the applicable standards and requirements set forth in Section 59-G-3.1(a) as follows:

*(a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property.*

The Board finds that the petitioners' lot has no peculiar topographical or other conditions that are not shared by the adjoining and neighboring properties. The Board finds that petitioners' lot is consistent in shape and size with the other lots in the neighborhood as shown on Exhibit No. 7.

The Board observes that the established building line does not adversely impact the petitioners' lot because their residence is sited furthest from the street, resulting in a deeper front building line. Those properties located closest to the street, have a smaller building front, and are the most penalized by the established building line. See, Exhibit 12(d).

The petition does not meet the requirements of Section 59-G-3.1(a), and the Board did not consider the other requirements set forth in that section. Accordingly, the requested variances of six (6) feet from the required thirty-nine (39) foot established front building line for the construction of a one-story addition and of six (6) feet from the required thirty-six (36) foot established front building line for the construction of a covered porch are denied.

The Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Opinion stated above is adopted as the Resolution required by law as its decision on the above entitled petition.

On a motion by Louise L. Mayer, seconded by Allison Ishihara Fultz, with Donna L. Barron and Donald H. Spence, Jr., Chairman, in agreement, and with Angelo M. Caputo, in opposition, the Board adopted the foregoing Resolution.

---

Donald H. Spence, Jr.  
Chairman, Montgomery County Board of Appeals

I do hereby certify that the foregoing  
Opinion was officially entered in the  
Opinion Book of the County Board of  
Appeals this 8th day of March, 2002.

---

Katherine Freeman  
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date of the Opinion is mailed and entered in the Opinion Book (see Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.